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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,636	03/09/2004	Lonnie Moberly		2229
7590	09/26/2005		EXAMINER	
DONALD R. SMITH 18 CASSALANDA WAY WINCHESTER, KY 40391			BOEHLER, ANNE MARIE M	
		ART UNIT	PAPER NUMBER	
		3611		

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20050713

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on March 14, 2005 is not fully responsive to the prior Office action because:

- 1) the response is not signed by the applicants (all of the applicant's signatures are required because no one person has power of attorney in this case);
- 2) the response lacks any remarks authorizing and explaining the amendment and indicating how the claims distinguish over the prior art of record;
- 3) The numbering of claims 1-4 is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Previously, the claims taken together were considered to be claim number 1. Currently applicant has listed claims 1-4. Therefore, currently misnumbered claims 1-4 should be numbered 2-5 and previous claim 1 should be canceled.
- 4) every claim must be listed and must be accompanied by the proper claim status identifier, in accordance with CFR 1.121, as follows: (Original), (Currently Amended), (Canceled), (Previously Presented), (New), etc..
- 5) the drawings are not properly identified in the top margin as "Replacement Sheet", "New Sheet", or "Annotated Sheet", as required by 37 CFR 1.121 (d).

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Anne Marie M Boehler
Primary Examiner
Art Unit: 3611



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NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on _____ is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 20.00, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.

2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits **ONLY**) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.

3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.

4. The fee submitted in this application is insufficient. A balance of \$ 100.00 is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).

5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE, WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/uc/one/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.